

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

CANDICE STARUH

Petitioner,

v.

RHODA WINSTEAD,

Respondents.

Civil Action No. 3:11-cv-1604

(JUDGE CAPUTO)

(MAGISTRATE JUDGE SMYSER)

**ORDER**

**NOW** this 5<sup>th</sup> day of April, 2012, upon review of the Report and Recommendation of Magistrate Judge J. Andrew Smyser (Doc. 11) for plain error or manifest injustice, **IT IS HEREBY ORDERED** that:

- (1) The Report and Recommendation (Doc. 11) is **ADOPTED**.
- (2) The petition for a writ of habeas corpus (Doc. 1) is **DENIED**.
- (3) A Certificate of Appealability **SHALL NOT ISSUE**.
- (4) The Clerk of Court is directed to mark the case as **CLOSED**.

  
A. Richard Caputo  
United States District Judge